

DATE

Jack Sessions  
Chief of Police  
Pearl River Police Department  
39470 Willis Alley  
Pearl River, Louisiana 70452

Re: **Louisiana Board of Ethics**  
**Docket No. 2021-143**

Dear Mr. Sessions,

The Louisiana Board of Ethics, at its meeting on May 7, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would prohibit the Pearl River Police Department from hiring Elexis Emmitt as a Communications Officer.

#### **FACTS PROVIDED**

Elexis Emmitt has applied for the position of Communications Officer with the Pearl River Police Department. The Communications Division is supervised by Lt. David Dean. Ms. Emmitt’s mother, Somer Emmitt, is employed in the Communications Division as a mid-level, first-line supervisor. Somer Emmitt reports to Lt. Dean.

#### **PROPOSED DISQUALIFICATION PLAN**

The disqualification plan proposes that Lt. Dean, in his capacity as Supervisor of the Communications Division, will directly supervise Elexis Emmitt and will handle all issues, such as scheduling, leave requests, promotions, counseling, etc., that may affect Ms. Emmitt’s employment. Any further approval will be forwarded up the chain of command as necessary. Somer Emmitt will have no supervisory authority over her daughter.

#### **LAW**

La. R.S. 42:1119A: No member of the immediate family of an agency head shall be employed in his agency. La. R.S. 42:1102(13) defines “immediate family” to include a public servant’s child. La. R.S. 42:1102(3) defines “agency head” to mean the chief executive or administrative officer of an agency who exercises supervision over the agency.

La. R.S. 42:1112B(1) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his

immediate family has a substantial economic interest. La. R.S. 42:1102(21) defines “substantial economic interest” to mean an economic interest which is of greater benefit to the public servant or other person than to a general class of group of persons.

La. R.S. 42:1112C allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code of Governmental Ethics.

### **CONCLUSION**

The Board concluded, and instructed me to inform you, that Section 1119 will not prohibit the Pearl River Police Department from hiring Elexis Emmitt since her mother, Somer Emmitt, is not the agency head over the Communications Division.

The Board further concluded, and instructed me to inform you, that the proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code – Rules of the Board of Ethics to prevent a potential violation of Section 1112B(1).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board’s expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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David M. Bordelon  
For the Board